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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/433,730 11/03/99 JAFFE

S 33754/JWE/B6

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LM02/0824

EXAMINER

TSE, Y

ART UNIT	PAPER NUMBER
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2734

DATE MAILED:

08/24/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/433,730

Applicant(s)

Jaffe et al.

Examiner

Young Tse

Group Art Unit

2734



☒ Responsive to communication(s) filed on Nov 3, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-104 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-104 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Figure 1 is directly related to a first embodiment of a simplified, semi-schematic block diagram of a dual mode QAM/VSB receiver.

Figure 4 is directly related to a second embodiment of a simplified, semi-schematic block diagram of a dual mode QAM/VSB receiver.

Figure 7 is directly related to a third embodiment of a simplified, semi-schematic block diagram of a dual mode QAM/VSB receiver.

Figure 9 is directly related to a fourth embodiment of a simplified, semi-schematic block diagram of a dual mode QAM/VSB receiver.

Figure 10 is directly related to a first embodiment of a phase detector.

Figure 11 is directly related to a second embodiment of a phase detector.

Figure 12 is directly related to a third embodiment of a phase detector.

Figure 14 is directly related to a first embodiment of a decision feedback equalizer.

Figure 15 is directly related to a second embodiment of a decision feedback equalizer.

Figure 16 is directly related to a third embodiment of a decision feedback equalizer.

Figure 18 is directly related to a fourth embodiment of a decision feedback equalizer.

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Figure 19 is directly related to a fifth embodiment of a decision feedback equalizer.

Figure 20 is directly related to a sixth embodiment of a decision feedback equalizer.

Figure 22 is directly related to a seventh embodiment of a decision feedback equalizer.

Figure 23 is directly related to a eighth embodiment of a decision feedback equalizer.

Figure 24 is directly related to a ninth embodiment of a decision feedback equalizer.

Figure 25 is directly related to a tenth embodiment of a decision feedback equalizer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051 or (703) 308-9052, (for formal communications intended for entry)

Or:

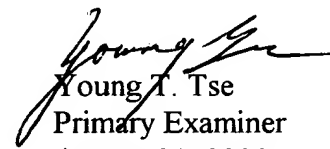
(703) 308- 6743, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young Tse whose telephone number is (703) 305-4736. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 5:30 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Young T. Tse
Primary Examiner
August 21, 2000